

Amendment Dated November 27, 2007
Serial No. 10/617,192

REMARKS

Reconsideration of the rejections set forth in the Office Action dated June 26, 2007, is respectfully requested. By this Amendment, claims 12-24 have been canceled and claims 1-9 and 11 have been amended. Currently, claims 1-11 are pending in this application.

Objection to claims 2-4

The Examiner objected to claims 2-4. Applicants have amended the claims as suggested by the Examiner and request that the objection be withdrawn.

Rejections under 35 USC 101

Claims 1, 3-4, and 9-11 were rejected under 35 USC 101. Applicants have amended claim 1 to overcome this rejection and request that it be withdrawn.

Rejections under 35 USC 102 and 103

Claims 1-5 and 7 were rejected under 35 USC 102 as anticipated by Johnson (U.S. Patent No. 6,845,248); Claims 6 and 11 were rejected under 35 USC 103 as unpatentable over Johnson in view of Pience (U.S. Patent Publication No. 2002/0073434); Claim 8 was rejected under 35 USC 103 as unpatentable over Johnson in view of Voit (U.S. Patent Publication No. 2002/0044567); and Claims 9 and 10 were rejected under 35 USC 103 as unpatentable over Johnson. These rejections are respectfully traversed in view of the amendments to claim 1 and the following arguments.

This elected claims relate to a network device that is able to be remotely interfaced once deployed in the field. As discussed in the background (see Specification at page 2, lines 16-19), when a network device is deployed it may be difficult or uncomfortable to access the device at a later time for maintenance or service. Accordingly, applicants proposed to implement a wireless interface on the network device to allow a maintenance technician to access the network device to perform control or diagnostic operations on the network device while the network device is deployed in the field and without requiring the operator to come into direct contact with the network device to effect the control or diagnostic operations on the network device.

Johnson teaches a DSLAM that allows multiple service providers to provide DSL services to customers. (Johnson at Col. 4, lines 44-58). A shared premise wireless interface 274

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is used to carry customer data for the multiple service providers/customers. (Johnson at Col. 5, lines 47-49).

Fig. 4 shows one way in which the shared premise wireless interface 274, wireless communication link 275, and network wireless interface 276 may be implemented. (Johnson at Col. 6, lines 34-39). Specifically, Johnson teaches that a transceiver may be used that is configured to use free space optical interface 413 or a high GHz wireless interface 415. (Johnson at Col. 6, lines 43-45). A control system 418 is provided to select between the two interfaces (free space optical or High GHz wireless) depending on the communication performance of these two different media. (Johnson at Col. 7, lines 7-14). The function of the control system 418, therefore, is to assess transmission performance to determine which transmission medium is performing better, and to cause the customer data to be transmitted via that medium. Johnson does not teach a wireless interface that may be accessed via a local control unit to perform diagnostic or control operations on the network device.

As mentioned above, the claims of this application are directed to a network device that has a wireless interface that may be used to control operation or perform diagnostic operations of the network device from a local control unit. Applicants have amended the claims to focus on this aspect. Applicants respectfully submit that the system disclosed in Johnson does not anticipate the claims as amended and, accordingly, respectfully requests that the rejection under 35 USC 102 be withdrawn. The dependent claims that were rejected under 35 USC 103 are patentable for at least the same reasons. Accordingly, applicants also request that the rejection of the dependent claims under 35 USC 103 be withdrawn.

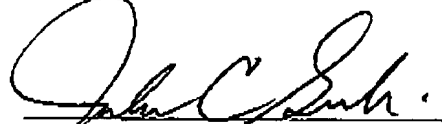
Conclusion

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

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If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-15909).

Respectfully Submitted


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